

N. WARNER LEE, THE ATTORNEY GENERAL
STATE CAPITOL
PHOENIX, ARIZONA

LAW LIBRARY
ARIZONA ATTORNEY GENERAL

September 26, 1974

DEPARTMENT OF LAW OPINION NO. 74-22 (R-43)

REQUESTED BY: ERIK V. THORNE
Director
Division of Building Codes

QUESTION: Must a mobile home park which buys units, places them in the park and then rents them to tenants be licensed as a dealer, pursuant to Article 7, Chapter 11, Title 44, Arizona Revised Statutes?

ANSWER: Yes.

A.R.S. § 44-1704, as amended by Section 3, Chapter 74, Laws of 1973, provides in part:

A. The director shall:

* * *

14. Establish and maintain licensing standards, fees and bonding requirements for all dealers of mobile homes, custom made units, recreational vehicles, factory built buildings and components thereof who sell, rent or lease such products within this state. (Emphasis added.)

A.R.S. § 44-1712, as amended by Section 10, Chapter 74, Laws of 1973, provides in part:

A. No person may operate in this state as a dealer of recreational vehicles, mobile housing or factory built buildings or components thereof unless licensed by the director.

B. For the purposes of this section, dealer means any person who engages in the business of selling, renting or leasing recreational vehicles, mobile housing, custom made units or factory built building units or components thereof. (Emphasis added.)

Opinion No. 74-22
(R-43)
September 26, 1974
Page Two

The 31st Legislature in its First Regular Session added the words "rent or lease" to A.R.S. § 44-1704.A, as quoted above, and the words "renting or leasing" to A.R.S. § 44-1712.B. Prior to the 1973 amendment, the sections in question merely defined a dealer as any person who engages in the business of selling the units in question. Thus, it is obvious the 31st Legislature intended to expand the definition of dealer to include persons engaged in the business of renting or leasing the units in question.

The language which was added is clear and unambiguous and, therefore, compels the conclusion that any person in the business of selling, renting or leasing the units in question is a dealer, and must be licensed and bonded as required by A.R.S. § 44-1712.

It is therefore our opinion that a trailer park which is in the business of buying units, placing them in the park and then renting or leasing those units is a dealer within the definition of A.R.S. § 44-1712.B, and therefore must be licensed and bonded pursuant thereto.

Respectfully submitted,



N. WARNER LEE
The Attorney General

NWL:NCG:1f